

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

OSCAR MARCUS WARD, III,)	
)	
Plaintiff,)	
)	
v.)	No. 2:23-CV-44-HEA
)	
PIKE COUNTY DETENTION CENTER,)	
)	
Defendant.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. For the following reasons, this case will be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

As explained in the Court’s September 13, 2023 Order, Plaintiff instituted this action by filing a pleading containing a long narrative statement about numerous allegedly unconstitutional conditions of confinement. While it appeared that Plaintiff wished to initiate a civil rights action, the pleading contained no allegations that could be liberally construed to state a plausible claim for relief. Additionally, Plaintiff did not pay the required filing fee, or file a motion for leave to proceed without prepayment of such fee.

On September 13, 2023, this Court ordered Plaintiff to either pay the required filing fee or move for leave to proceed without prepayment of such fee, and to file an amended complaint. The Court cautioned Plaintiff that his failure to timely comply would result in the dismissal of this case without further notice.

Plaintiff’s response was due to the Court on October 13, 2023, but to date, he has not complied with the Order or sought additional time to do so. The Court gave Plaintiff meaningful notice of what was expected, and cautioned him that his case would be dismissed if he failed to

timely comply. Therefore, the Court will dismiss this action, without prejudice, due to Plaintiff's failure to comply with the September 13, 2023 Order, and his failure to prosecute this case. *See* Fed. R. Civ. P. 41(b); *see also Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff's failure to comply with any court order), *Dudley v. Miles*, 597 F. App'x 392 (8th Cir. 2015) (per curiam) (affirming dismissal without prejudice where *pro se* plaintiff failed to file an amended complaint despite being cautioned that dismissal could result from failure to do so).

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

Dated this 26th day of October, 2023.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE